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EXAMINER

KRAMER, DEVON C

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,419	Applicant(s) HANSEN ET AL.	
	Examiner DEVON C. KRAMER	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/19/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

- 1) The information disclosure statement (IDS) submitted on 11/19/2007 has been considered by the examiner.

Claim Rejections - 35 USC § 112

- 2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3) Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the pump" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites in line 4, "a pressure outlet", then claim 2 recites "the pressure outlets". Since more than one pressure outlet was not previously disclosed, the term "pressure outlets" lacks antecedent basis. For the purpose of examination the limitation has been treated as one outlet.

Claim 2 recites, "the outlets extend in the housing between the pressure generator (2) and the pressure booster (6)". Figure 1 of the instant invention does not show the outlet 7 being between the pressure generator (2) and the pressure booster

(6). This limitation has been treated as if the outlet extends from an end of the booster housing.

Claim 4 line 4 recites, "and wherein the joining fur faces together form". This phrase is unclear to the examiner.

Claim 14 recites "a low-pressure connection" in line 2 and "low-pressure connection-- in line 4. Is this a separate lower pressure connection or should it read -- said low-pressure connection-- in line 4?

Claim Rejections - 35 USC § 102

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 1-8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Iverson (6295914).

In re claim 1, Iverson teaches a fluid supply unit, comprising: a hydraulic supply unit (1) and a pressure generator (3) for the fluid, and a pressure outlet (11), the unit further comprising a pressure booster (4) installed between the pressure generator and the pressure outlet and rigidly mechanically connected with the pressure generator wherein the pressure booster is driven by a portion of a pump (P).

In re claim 2, Iverson teaches a device wherein the pressure generator and the pressure booster are installed in a common housing (see figure 1) and the outlet (11) extends from the housing.

In re claims 3-4, and 7, please note that the housing of Iverson contains two cylinder portions including pistons within those cylinders, or more than one part. The portions where the two cylinders join are the interface between the pressure generator and the pressure booster.

In re claims 5-6, chambers 2 or 6 of Iverson can be considered a tank.

In re claim 8, since a pump is taught by Iverson, the pump must have some type of motor. It is well known in the art that pumps are driven by motors and that the outlet of the pump is connected by piping to a device. In Iverson there is a pump inherently rigidly connected to a motor, wherein the pump is rigidly and mechanically connected to the pressure generator through piping.

In re claim 14, pressure relief valve 13 is arranged between a low-pressure connection and the high pressure outlet of the pressure generator.

6) Claims 1-9 and 12 as best understood are rejected under 35 U.S.C. 102(b) as anticipated by Anaker (U.S. Pat. No. 4,671,063).

Regarding claim 1, figure 2 of Anaker teaches that the fluid supply unit having the pressure booster (i.e. hydraulic intensifier) is mechanically and rigidly connected between the pressure generator (i.e. low pressure pump 28) and the outlet (i.e. fitting 83). The teaching of Anaker refers to the pressure generator (low pressure pump 28)

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and to the pressure booster (high pressure pump 27, piston block 71, and all other valves and passage ways on the upper portion of the housing (case 30), above cap 41, that contribute to the boosting cycle) as the hydraulic intensifier 13. However, it is the examiner position that even if the pressure generator (low pressure pump 28) were to be separated from the housing (case 30), the remaining structure would still functioned as a pressure booster (intensifier), since the role of the pressure generator (low pressure pump 28) is to discharge low pressured liquid to the booster; and the booster in this case is composed of all the components in the upper portion of the housing (case 30) above cap 41.

Regarding claim 2, figures 1 and 2 of Anaker teach that the pressure generator (i.e. low pressure pump 28) is in a common housing (case 30) with the pressure booster (which is the upper portion of the housing (case 30) that comprises the components that contribute to the boosting cycle). In addition, figure 2 of Anaker discloses that the connection (delivery line 63) runs between the pressure generator (low pressure 28) and the pressure booster (which is the upper portion of the housing (case 30) that comprises the components that contribute to the boosting cycle), and then connection (passage 82) runs from the pressure booster to the outlet (fitting 83). See column 4, lines 32-44.

Regarding claim 3, Anaker teaches, in figure 2, that the housing (case 30) is constructed of more than one part, which includes the housing (25), and caps (40, 41, and 42).

Regarding claim 4, it is known in the art that by connecting the housing of the pressure generator (low pressure pump 28) to the housing (case 30), a joining interface would be formed between the two.

Regarding claim 5, the teaching of Anaker discloses that the tank (sump 24) is rigidly connected (i.e. within the housing (case 30)) with both the pressure generator (low pressure pump 28) and the pressure booster. It is noted that the tank (sump 24) is defined within the housing (case 30), which renders it to be rigidly connected to it (column 2, lines 53-54).

Regarding claim 6, Anaker teaches that the tank (sump 24) is integrated in the housing (case 30) (column 2, lines 53-54).

Regarding claim 7, Anaker teaches, in figure 2, that the pressure booster (i.e. intensifier) is axially arranged with the pressure generator (low pressure pump 28).

Regarding claim 8, Anaker teaches that the motor (26) is mechanically and rigidly connected to the pressure generator (low pressure pump 28).

Regarding claim 9, Anaker also teaches that the motor (26) and the pressure generator (low pressure pump 28) have a common shaft (54).

Regarding claim 12, Anaker teaches in the description (column 4, lines 7-9) that the pump is of a Gerotor-type, which comprises a set of gears (ring (58) and a rotor (59)).

Claim Rejections - 35 USC § 103

7) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8) Claim 10 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Iverson (6295914) in view of Hokky (US Pat. No. 4,086,034).

Regarding claim 10, it is noted that the teaching of Iverson does not explicitly disclose the electric motor as required. However, Hokky discloses that such feature of the motor (motor unit 10) is an electric motor (column 1, lines 1-4) is old and well known. Hence, it would have been obvious to the one having ordinary skill in the art at the time of the invention to modify the unit of Iverson with the feature of the electric

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motor as taught by Hokky, so as to connect the motor to the pressure generator in such a manner.

9) Claim 13 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Iverson (6295914) in view of Miyazaki (4393749).

Iverson is silent to the material of the booster.

Miyasaki teaches a booster piston made of aluminum.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have made the booster of Iverson from aluminum as taught by Miyazaki to reduce the weight of the device.

10) Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anaker (US Pat. No. 4,671,063) in view of in view of Miyazaki (4393749).

Regarding claim 13, it is noted that the teaching of Anaker does not specifically disclose that some part of the pressure booster are made of light metal or plastic as required.

Miyasaki teaches a booster piston made of aluminum.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have made the booster of Anker from aluminum as taught by Miyazaki to reduce the weight of the device.

Regarding claim 14, figure 2 of Anaker teaches that the pressure relief valve (relief valve 64) is connected at the outlet pressure generator (i.e. low pressure pump 28) and discharges the excess fluid when the pressure at the outlet exceeds a preset magnitude before it travels through the delivery line (62) and then into the delivery line (63) (column 4, lines 9-16). It is noted that Anaker does not explicitly indicate where the fluid gets discharged as required. However, it is obvious to the person skilled in the art to recognize that the excess fluid would either be discharged back to the tank through a direct line, or in conjunction with another line (low-pressure connection in this case) that has the same pressure as the tank's inlet. The determination of choosing the way the relief valve (relief valve 64) would be linked to the tank is a design preference, but in either case, it would be obvious to the person skilled in the art that such determination would not contribute to the improvement of the system as whole.

10) Claim 10 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Anaker (US Pat. No. 4,671,063) in view of Hokky (US Pat. No. 4,086,034).

Regarding claim 10, it is noted that the teaching of Anaker does not explicitly disclose the electric motor as required. However, Hokky discloses that such feature of the motor (motor unit 10) is an electric motor (column 1, lines 1-4) is old and well known. Hence, it would have been obvious to the one having ordinary skill in the art at the time of the invention to modify the unit of Anaker with the feature of the electric motor as taught by Hokky, so as to connect the motor to the pressure generator in such a manner.

11) Claim 11 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Anaker (US Pat. No. 4,671,063) in view of Hokky (US Pat. No. 4,086,034) and further in view of Vogelsanger (US Pat. No. 6,092,290).

The teachings of Anaker and Vogelsanger teach in figures 1 and 2, respectively, the limitation of having the pressure generator rigidly and mechanically connected to the electric motor. In addition, Hokky also teaches the limitation of having a common shaft between the pressure generator and the electric motor. Furthermore, Vogelsanger teaches in figure 2 the limitation of having the battery (battery pack 36) housed in the housing (casing 31). Therefore, it would have been obvious to the one having ordinary skill in the art at the time of the invention to choose a battery as a power source for the electric motor and have it integrated in the housing, especially, if a compact design is considered.

Response to Arguments

12) Applicant's arguments filed 11/19/07 have been fully considered but they are not persuasive. Please note that the IDS filed 11/19/07 has been considered. The Abstract filed 11/19/07 is approved by the examiner and the objection to the specification has been withdrawn.

Applicant's arguments with respect to the reference to Anaker have been considered. Please note that the claims of the instant application do not define over the use of a pump as a pressure booster. The low-pressure pump in Anaker feeds the secondary pump which boosts or increases the pressure for driving a device.

Conclusion

13) THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to DEVON C. KRAMER at telephone number (571)272-7118.

/Devon C Kramer/
Supervisory Patent Examiner, Art Unit 3683

Devon C Kramer
SPE
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